

**REMARKS****Summary of the Final Office Action**

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuhara et al. (U.S. Patent No. 5,542,018) (hereinafter "Kuhara") in view of Jung et al. (U.S. Pat. Pub. No. 2003/0197855 A1) (hereinafter "Jung").

**Summary of the Response to the Office Action**

Applicants has newly-amended independent claim 1 to differently describe embodiments of the disclosure of the instant application. Applicants have amended dependent claim 6 to be rewritten in independent form by now including the features of newly-amended independent claim 1. Accordingly claims 1-6 remain currently pending and under consideration.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kuhara in view of Jung. Applicants has newly-amended independent claim 1 to differently describe embodiments of the disclosure of the instant application. Applicants have amended dependent claim 6 to be rewritten in independent form by now including the features of newly-amended independent claim 1. To the extent that the rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Applicants have newly-amended independent claim 1 of the instant application to now describe an advantageous combination of features of a photodetector that includes:

- (a) the substrate is formed of semiconductor material,
- (b) the photodetecting element array is a photodiode array,

(c) the photodetecting elements are photodiodes, and

(d) the opening passes through from an upper surface of the substrate to a lower surface of the substrate.

Applicants respectfully submit that support for the above-described features (a) to (c) can be found, for example, in paragraph [0026] of the specification of the instant application and support for the above-described feature (d) can be found, for example, in paragraph [0027] of the specification of the instant application.

Applicants respectfully submit that Kuhara does not teach, or even suggest, an opening which passes through from an upper surface of the substrate to a lower surface of the substrate. The light detecting region 13 does not pass through the semiconductor substrate 11 in Kuhara. Jung does not cure the deficiencies of Kuhara.

Claim 6 has been amended to be rewritten in independent form to now include the features of newly-amended independent claim 1. Accordingly, similar arguments as set forth above with regard to newly-amended independent claim 1 of the instant application also apply to newly-amended independent claim 6 of the instant application.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Kuhara and Jung, whether taken separately or combined, do not teach or suggest each feature of newly-amended independent claims 1 or 6 of the instant application. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” Since the prior art does not disclose or suggest any of the combinations recited in Applicants’ claims, and if anything appears to teach away from the current claim recitations, KSR Int’l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), Applicant

submits that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the Examiner in the Office Action.

Furthermore, Applicants respectfully assert that the dependent claims 2-5 are allowable at least because of their dependence from independent claim 1, and the reasons discussed previously.


In view of the foregoing amendments and remarks, withdrawal of the objections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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